

(1971) 06 KAR CK 0012
In the Karnataka High Court
Case No : Writ Petition No. 1332 of 1967

S.N. Seshadri

APPELLANT

Vs

Managing Director, L.I.C., Bombay

RESPONDENT

Date of Decision : 08-06-1971

Acts Referred:

Constitution of India, 1950 — Article 226, 311

Citation : (1972) 1 LLJ 379 : (1971) 2 MysLJ 311

Hon'ble Judges : M.S. Nesargi, J;A. Narayana Pai, J

Bench : Division Bench

Judgement

1. The petitioners in these three cases were employees of the Life Insurance Corporation. In certain disciplinary enquiries held against them by the Zonal Manager they were found guilty of one or other of the charges framed against them, and the penalty of dismissal was imposed upon them. Upon appeal to the Managing Director the appeals were dismissed by short orders, suggesting and supporting the case of the petitioner that the appellate authority had not applied his mind fully to the facts and circumstances of the case, as he was bound to, in the light of Regulation 46(2) of the Staff Regulations of the Life Insurance Corporation which are modelled on similar rules contained in the Civil Services (Classification, Control and Appeal) Rules governing Government servants.

2. Whatever may be the position regarding the regularity of the original enquiry and infirmities if any, in the report of the enquiring officer, as to which we express no opinion, there appears little doubt that the orders of the appellate authority prima facie reveal a grave failure on his part to obey the provisions of the regulation mentioned above and that the petitioners may legitimately feel aggrieved thereby.

3. But it is not possible for us to interfere under Art. 226 of the Constitution in favour of the petitioners in view of the clear declaration of law made by the Supreme Court in the case of Executive Committee, U.P. Warehousing Corporation Vs. Chandra Kiran Tyagi, and the latest unreported decision of the

Supreme Court in Indian Airlines Corporation Vs. Sukhdeo Rai, where they have approved the decision of the Calcutta High Court in L.I.C. v. Nilratan Banerjee 1971 I Ilj 1 in which their Lordships have pointed out that the staff regulations like those of Life Insurance Corporation cannot be regarded as imposing any statutory obligation and that, therefore, any breach of these regulations is not amenable to correction under Art. 226 of the Constitution. It is also pointed out that there is no right to reinstatement except in three cases, viz.,

"(1) a public servant who has been dismissed from service in contravention of Art. 311;

(2) reinstatement of a dismissed worker under Industrial Law or by Labour or Industrial Tribunal; and

(3) a statutory body when it has acted in breach of a mandatory obligation imposed by statute,"

and that, therefore, in cases where there is no right to reinstatement, the order of dismissal, however unlawful, subsists, because to quash the same would in effect be reinstating the dismissed employee in service.

4. The writ petitions, therefore, fail and are dismissed.